

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SOUTH PASADENA UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2012100455

ORDER GRANTING DISTRICT'S  
PEREMPTORY CHALLENGE

On February 20, 2013, District timely filed a peremptory challenge to disqualify Administrative Law Judge (ALJ) Robert Martin from hearing this case.

A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an Office of Administrative Hearings (OAH) hearing. (Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b); Gov. Code, § 11425.40, subd. (d).) In no event will a peremptory challenge be allowed if it is made after the hearing has commenced. In addition, if at the time of a scheduled prehearing conference, an ALJ has been assigned to the Hearing, any challenge to the assigned ALJ shall be made no later than commencement of that prehearing conference. (Cal. Code Regs., tit. 1, § 1034, subd. (c).) A peremptory challenge is not allowed on reconsideration or remand, and cannot be made after a hearing has begun. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

District's peremptory challenge is timely made and is granted pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c).

The ALJ assigned for hearing is now Eileen M. Cohn, however, the telephonic prehearing conference will be conducted by ALJ Elsa Jones.

IT IS SO ORDERED.

Dated: February 20, 2013

/s/

RICHARD T. BREEN

Presiding Administrative Law Judge  
Office of Administrative Hearings